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Enforcement

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# Dump awaiting cleanup 4 years

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A hazardous waste site in northeast Houston — known to government agencies since late 1980 — is still awaiting a cleanup even though there is heavy pesticide contamination within about 100 feet of some homes.

The previously unpublicized site is at 7621 Wallisville Road, where the Olin Corp. from 1950 to 1972 operated a plant that packaged about two dozen different dry and liquid pesticides including DDT, toxaphene, lindane and dieldrin.

Sampling has shown the heaviest contamination — up to 102,000 parts per million of

toxaphene — is around the northeast corner of the 18.6-acre site, particularly in an unfenced ditch on a railroad right of way that borders the property on the east.

"Lots of kids pick dewberries along that ditch when they get ripe," said Opal Gloyd, whose home at 3302 Terminal is the closest to the contaminated area. She said she has lived there since 1955, when the plant was operating.

"We still get odors from the pesticides," Gloyd said. "I have trouble with breathing and coughing, but I don't know if that's what's causing it."

Olin sold the site in 1973 after closing the plant, and it was later subdivided for commer-

cial use. Now the past and present owners are embroiled in federal court cross-suits, trying to determine who is responsible for contamination damage and a cleanup.

The Environmental Protection Agency, after failing for almost four years to get a cleanup started, turned that job over to the Texas Department of Water Resources in mid-1984.

Officials of the TDWR now say that if the potentially responsible parties don't agree soon on cleanup, they will either sue them or try to get the site added to the national priority list for a cleanup with Superfund money.

The EPA in December 1982 drafted an ad-

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# Waste site awaiting cleanup since '80

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ministrative order for a cleanup, with a signature blank for Rita M. Lavelle, then chief of the EPA Superfund, who was later convicted of lying to Congress about her Superfund activities. She was sentenced to six months in prison and a \$10,000 fine.

But the draft order was never signed by Lavelle and never issued.

A regional EPA spokesman, Roger Meacham, said the draft order was only "for purposes of negotiation" with Olin, and the document was never sent to Washington for Lavelle's signature.

Congressional investigators during the 1983 shakeup at the EPA accused Lavelle of playing politics with Superfund cleanups and charged that she took polluters to lunch instead of to court.

Meacham said the EPA formally turned over the site to the state for enforcement in July 1984 because the EPA's limited staff was overwhelmed with Superfund priority sites that were considered more urgent.

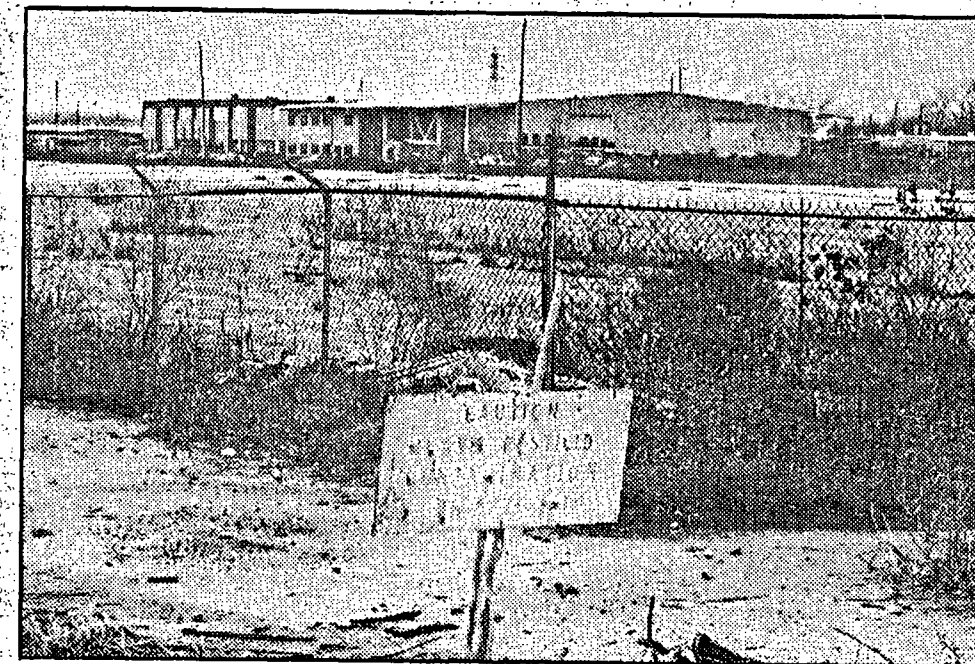
"We were in a real crunch," Meacham said, "and because we had to concentrate on Superfund sites, we talked with the state and they indicated they would like to take the lead on this one."

Sources with the TDWR, however, said the state agency did not receive a complete file on the case from the EPA until last October.

The file shows the most frequently found pesticides in EPA sampling were toxaphene, DDT and pentachloronitrobenzene (PCNB). One soil sample analyzed in January 1981 from a ditch adjoining the site showed 102,000 parts per million, or 10.2 percent, toxaphene and 28,200 ppm PCNB.

Another sample near the northeast corner of the site showed 41,300 ppm toxaphene at a depth of 2 feet, and DDT levels ranging up to 2,180 ppm were found in the ditch along the Houston Belt & Terminal tracks.

Last November, the TDWR collected more recent samples for a toxicity analysis by a special EPA laboratory in Corvallis, Ore. The EPA lab reported that four of



Post photo by Bruce Bennett

Dump site with Mustang building in background.

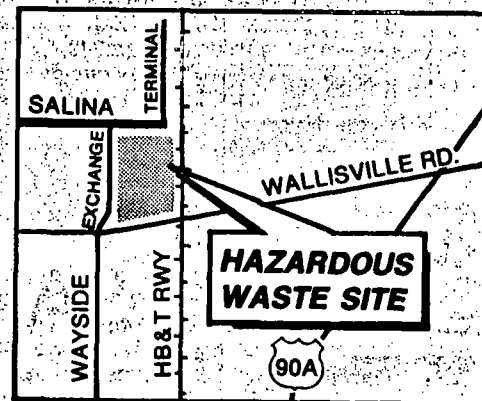
the five submitted samples were "highly toxic to aquatic organisms."

Toxaphene, DDT and PCNB are all long-lived chlorinated hydrocarbons. The EPA banned DDT in 1972 as a threat to humans and wildlife, and toxaphene was prohibited for most uses in November 1982 because of its toxicity to wildlife and as a possible tumor agent in humans.

"I don't even like to go out there without a respirator — I'm serious," said Clarence Johnson, a TDWR investigator assigned to the site. "You can smell the pesticides."

Johnson said he had warned nearby residents of the blue-collar neighborhood to keep out of the heavily contaminated area but added: "How are you gonna stop kids?"

The only thing now stopping them — if they are old enough to read — is a crude weatherbeaten warning sign with some of



Post map

the lettering peeling off. It is planted in the ditch along the open railroad right of way.

Olin, then the Olin Mathieson Chemical Corp., sold the site in 1973 to the Eureka

Investment Corp., a subsidiary of Mustang Tractor & Equipment Co., which now operates a tractor and industrial equipment distributorship on about 5 acres of the property.

Eureka in 1978 sold the eastern 9-acre half to the Southern Pacific Transportation Co., which now uses it as a parking lot for truck trailers. Much of the original property is now surfaced with concrete, asphalt or crushed limestone.

On Feb. 4, 1982, Eureka Investment filed suit against Olin in Houston's federal court. The suit contends that Olin concealed the pesticide contamination, and Eureka asked cancellation of the property sale contract. Olin denies the allegations and claims Eureka knew of the pesticide wastes.

The next day, Southern Pacific filed suit against Eureka, Mustang and Olin, claiming it also was not told of pesticide contamination and seeking cancellation of its land purchase or, alternatively, damages for fraud.

The two suits have been consolidated by U.S. District Judge Gabrielle McDonald, but no trial is scheduled and none is expected before summer.

An Olin attorney, Tom Bayko, said the chemical company would like to work out a cleanup settlement with the present property owners.

"But unfortunately there hasn't been much progress," Bayko said, "and so long as there is no progress, Olin's position is that it will proceed with the case and let the federal court decide who is responsible for a cleanup."

The files show that Olin early in 1982 submitted a cleanup plan to the EPA that called for removal of about 1,180 cubic yards of contaminated soil from off-site ditches along the east and north sides of the property.

The EPA decided the Olin plan was deficient because it lacked any subsurface investigation into pesticide contamination of groundwater. But apparently the EPA never formally responded to Olin's plan.

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